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## Equal Employment Opportunity Commission v. Levitz Furniture Corporation

Judge Fred Biery

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## Equal Employment Opportunity Commission v. Levitz Furniture Corporation

### Keywords

EEOC, Levitz Furniture Corporation, SA-98-CA-0879FB, Consent Decree, Hostile Work Environment, National Origin, Race, Black, Hispanic, Retail, Employment Law, Title VII

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

FEB 04 1999

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

LEVITZ FURNITURE CORPORATION, )

Defendant. )

Civil Action No.

SA-98-CA-0879FB

CONSENT DECREE

The parties to this Consent Decree are the United States Equal Employment Opportunity Commission ("EEOC"), Plaintiff, and Levitz Furniture Corporation ("Levitz"), Defendant. The EEOC initiated this lawsuit on September 24, 1998, pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII"), and Section 102 of Title I of the Civil Rights Act of 1991, 42 U.S.C. 1981a. The complaint alleges that Rosalinda G. Guerrero and other similarly situated Hispanic employees were subjected to a hostile work environment based on their national origin. The complaint also states that African-American employees were subjected to a hostile work environment on the basis of race. Defendant denies the allegations of the complaint.

The parties wish to settle this action, without the necessity of further litigation, pursuant to the terms delineated in this Decree.

10.

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. This Court has jurisdiction of the subject matter of this action and the parties, venue is proper, and all administrative prerequisites to the filing of Civil Action No. SA-98-CA-0879FB have been met. The complaint states claims, which, if proved, would authorize this Court to grant relief against Defendant, pursuant to Title VII and the Civil Rights Act of 1991.

2. This Decree resolves all issues raised in EEOC's complaint in this case. EEOC waives further litigation of all issues raised in the above-referenced complaint. EEOC expressly reserves its right, however, to process and litigate any other charges which may now be pending or may in the future be filed against Defendant.

3. The duration of this Decree shall be one year from the date of its filing with the Court. This Court shall retain jurisdiction of this action during the period of this Decree and may enter such other and further relief as it deems appropriate to ensure implementation and enforcement of its provisions. Any violation of the Consent Decree by Defendant or its agents or assigns shall toll the running of this one-year period as of the date of the violation. If the Court subsequently determines this Decree was violated, the one-year period shall recommence and continue from the date of entry of an Order setting out such a violation or until such time as ordered by the Court. Should the Court find the Decree was not violated, the one-year period shall recommence, retroactive to the date of the filing of the pleading alleging that a violation had occurred.

4. Defendant, in settlement of this dispute, shall pay to Rosalinda G. Guerrero, the amount of \$2,000.00 (Two Thousand Dollars and No Cents). Payment shall be made on or before February 28, 1999 by check and shall be mailed directly to Guerrero at [REDACTED]. A copy of the settlement check and any accompanying transmittal documents shall be forwarded to the EEOC to the attention of Robert B. Harwin, Regional Attorney, 5410 Fredericksburg Road, Suite 200, San Antonio, Texas 78229.

5. If Defendant Levitz employs Jim Flannagan after the San Antonio stores are closed, Defendant Levitz shall counsel Jim Flannagan on its policy against national origin and racial harassment and advise him that any violation of the policy will result in discipline, up to and including discharge. Defendant Levitz shall provide written documentation to the EEOC of such counseling.

6. If Defendant Levitz employs Jim Flannagan after the San Antonio stores are closed, Defendant Levitz shall provide him with not less than eight (8) hours of equal employment opportunity training. The training shall, at a minimum, explain Title VII's proscriptions against racial and national origin harassment. The training may be provided by in-house personnel. Within 30 days prior to the date scheduled for this training, Levitz shall furnish to the EEOC a written report describing the training to be provided and the qualifications of the instructor(s) who will conduct the training. The EEOC shall have the right to approve the training and the instructor.

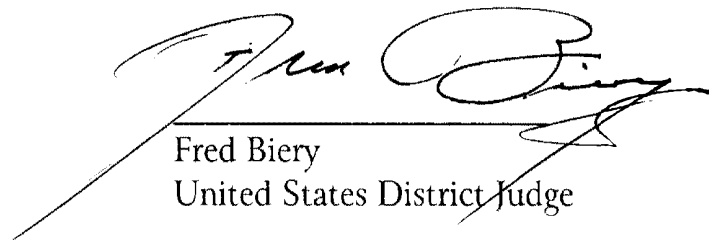
7. The terms of this Decree shall be binding upon the EEOC and Defendant Levitz, their agents, officers, employees, servants, successors, and assigns, as to the issues resolved herein.

8. Each party shall bear its own costs, including attorneys' fees, incurred in this action.

9. This Decree shall be subject to final approval by the Bankruptcy Court.

SO ORDERED.

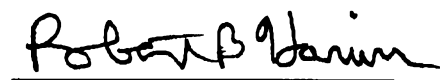
Signed this 4<sup>th</sup> day of February, 1999.



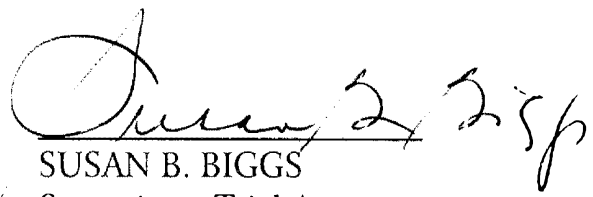
Fred Biery  
United States District Judge

Respectfully submitted,

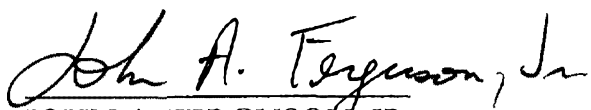
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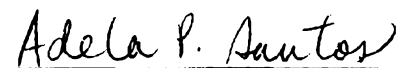
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